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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/471,501	12/23/1999	FRANCIS BIOLLEY	612.37981X00	7486

20457 7590 05/25/2004

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EXAMINER

PECHHOLD, ALEXANDRA K

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 05/25/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Advisory Action

Application No.

09/471,501

Applicant(s)

BOILLEY, FRANCIS

Examiner

Alexandra K Pechhold

Art Unit

3671

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 April 2004 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE. Therefore, further action by the applicant is required to avoid abandonment of this application. A proper reply to a final rejection under 37 CFR 1.113 may only be either: (1) a timely filed amendment which places the application in condition for allowance; (2) a timely filed Notice of Appeal (with appeal fee); or (3) a timely filed Request for Continued Examination (RCE) in compliance with 37 CFR 1.114.

PERIOD FOR REPLY [check either a) or b)]

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
- b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection. ONLY CHECK THIS BOX WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

1. ☐ A Notice of Appeal was filed on _____. Appellant's Brief must be filed within the period set forth in 37 CFR 1.192(a), or any extension thereof (37 CFR 1.191(d)), to avoid dismissal of the appeal.
2. ☐ The proposed amendment(s) will not be entered because:
- (a) ☐ they raise new issues that would require further consideration and/or search (see NOTE below);
 - (b) ☐ they raise the issue of new matter (see Note below);
 - (c) ☐ they are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
 - (d) ☐ they present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____

3. ☐ Applicant's reply has overcome the following rejection(s): _____.
4. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
5. ☒ The a) ☐ affidavit, b) ☐ exhibit, or c) ☒ request for reconsideration has been considered but does NOT place the application in condition for allowance because: See Continuation Sheet.
6. ☐ The affidavit or exhibit will NOT be considered because it is not directed SOLELY to issues which were newly raised by the Examiner in the final rejection.
7. ☒ For purposes of Appeal, the proposed amendment(s) a) ☒ will not be entered or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.

The status of the claim(s) is (or will be) as follows:

Claim(s) allowed: 13-16.

Claim(s) objected to: _____.

Claim(s) rejected: 6, 7, 9, 11, 12 and 17-20.

Claim(s) withdrawn from consideration: _____.

8. ☐ The drawing correction filed on _____ is a) ☐ approved or b) ☐ disapproved by the Examiner.
9. ☐ Note the attached Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____.
10. ☐ Other: _____

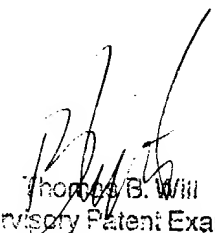
Continuation of 5. does NOT place the application in condition for allowance because:

Applicant argues the aim of the invention presented in Remery is to avoid that the "tube may be bent and/or twisted and be loaded with an additional tractive force" (column 1, lines 22- 23), which teaches against a combination with Brown. Thus, applicant notes the anchoring means will create stresses by limiting motion of the lower end of the rigid part; anchoring the lower part of the pipe 3 goes against the aim of the teaching of the patent to Remery by anchoring the lower part of the pipe 3. In particular, one skilled in the art would have been dissuaded from using the teaching of the Brown et al patent to modify the device disclosed by Remery.

The Examiner does not agree, though applicant correctly notes that Remery wants to avoid bending or twisting motion, the catenary anchor system taught by Brown can provide the advantage of avoiding just that. Other natural disturbances may cause bending or twisting motions on the tube of Remery, and by modifying Remery with the catenary anchor system of Brown, an element of stability is provided that prevents excessive movement such as bending or twisting.

Applicant also argues that the subsurface buoy 7 of Brown, connected through line 10 with a clump weight 11 positioned on the seabed 3, is clearly different from the catenary anchor system of our invention, arguing that the line 10 does not anchor the pipe and does not perform the function of limiting horizontal motions at the bottom of the rigid pipe as the catenary anchor system of the present invention. While this argument may be probing the specifics of the function and use of the catenary anchor system as it differs in Brown and the applicant's invention, the argument is irrelevant in this context since the claims rejected recite only a catenary anchor system with tendons, and no further specific detailed structure, and the function is beyond the scope of the claims at issue.

Applicant is correct in noting that Paragraph 3 lacks reference to the Brown patent. It should properly read "Claims 6 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Remery (US 4,279,543) and Brown et al (US 5,505,560) as applied to claims 11 and 17 above, and further in view of Willis (EPO 0467635 A2). The Examiner apologizes for leaving out the mention of Brown, though appears that the applicant was able to ascertain that the dependent claim rejections also required the combination of Brown and Remery as the base references.


Thomas B. Willis
Supervisory Patent Examiner
Group 3600